GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Kosu Ramanna Dora, S/o Kosu Lakshmanna Dora, Rampachodavaram, East Godavari District, against the proceedings No. Ref.C5/M/569/2009, dated 01.12.2015 of the District Collector East Godavari, for confirming the ST-Konda Reddy caste Certificate of Smt. Nadipudi Satyaveni D/o Ramireddy, under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.Ms.No.26 Dated: 08.02.2019
Read the following:

1. Proceedings of the Dist. Collector, East Godavari, Ref.C5/M/569/2009, dated 01.12.2015.
2. Appeal Petition/Representation filed by Sri Kosu Ramanna Dora, Rampa Chodavaram, East Godavari District, before the Government on 16.12.2015.
3. Another Appeal Petition filed by Sri Kosu Ramanna Dora, Rampa Chodavaram, East Godavari District, before the Government on 02.01.2016.
4. Govt. Memo No.109775/CV.2/2015, dated 02.12.2016.
5. The orders of the Hon'ble High Court of A.P., Hyderabad in W.P.No.15847/2016, dated 01.06.2016 filed by Sri Kosu Ramanna Dora.
6. Vakalath filed by Sri B. Rajesh Kumar, Advocate, on behalf of Smt. Nadipudi Satyaveni, dated 24.12.2016.
7. Govt. Memo No.109775/CV.2/2016, dated: 12.01.2017, 29.05.2017 & 28.11.2017.
8. From the District Collector, East Godavari, Lr. Ref C5/M/569/2009, dated 12.12.2017.
9. Govt. Memo No.109775/CV.2/2015, dated 31.01.2018 & 20.03.2018.
10. Documents filed by Sri Kosu Ramanna Dora, before the Appellate Authority, dt: nil.

ORDER:

In the reference 1st read above, the District Collector, East Godavari has issued orders confirming the ST-Konda Reddy community claim of Smt. Nadipudi Satyaveni D/o Ramireddy, East Godavari District.

2. In the reference 2nd & 3rd read above, Sri Kosu Ramanna Dora, S/o Kosu Lakshmanna Dora, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, East Godavari. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, East Godavari in the reference 4th read above.

3. In the reference 5th read above, Sri Kosu Ramanna Dora, S/o Kosu Lakshmanna Dora, has filed W.P.No.15847/2016 before the Hon'ble High Court of Andhra Pradesh, Hyderabad, against the Government, for not disposing off the appeal No. 109775/CV.2/2015 field by the petitioner, against the orders passed by the District Collector, East Godavari vide Ref.C5/M/569/2009, dated 01.12.2015. The Hon'ble High Court of Andhra Pradesh, Hyderabad, while disposing the said WP on 01.06.2016 has directed the Government to dispose of the appeal No. 109775/CV.2/2015 field by the petitioner, against the orders passed by the District Collector, East Godavari vide Ref.C5/M/569/2009, as early as possible preferably within a period of two (2) months from the date of receipt of the order, in accordance with law. But, due to several administrative difficulties the matter could not be disposed off within the time limit as directed by the Hon'ble High Court in the said W.P., however, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

4. In the reference 8th read above, the District Collector, East Godavari has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Kosu Ramanna Dora, S/o Kosu Lakshmanna Dora.

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5. The said Appeal Petition has been posted for hearing on 24.12.2016, 24.01.2017, 17.06.2017, 16.12.2017, 17.02.2018 & finally on 07.04.2018 and the same has been informed to the Appellant and the Counsel for the Appellant, un-official respondents i.e. Smt. Nadipudi Satyaveni D/o Ramireddy & her Counsel, in the references 4th , 7th & 9th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government.

6. In the reference 6th read above, Sri B. Rajesh Kumar, Advocate has filed Vakalath before the Appellate Authority on 24.12.2016, on behalf of Smt. Nadipudi Satyaveni. Further, the Appellate Authority has conducted final hearing in the said appeal petition on 07.04.2018 & filed documents for non-support of ST-Konda Reddy community claim of Smt. Nadipudi Satyaveni D/o Ramireddy, East Godavari District.

7. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, East Godavari and proceedings of the District Collector, East Godavari, dated 01.12.2015, the Appellate Authority is observed that :

I. The appellant in his grounds has stated that he belongs to Schedule Tribe-Koya and he is permanent resident of Rampachodavaram Village and Mandal, East Godavari district. He studied up to B.Tech. and he is fighting for the cause of Tribals and against the persons those who are fraudulently claiming the status of ST with bogus certificates.

II. Further he has stated that he has filed a complaint before the District Collector East Godavari District on 09-07-2008 stating that Smt. Nadipudi Satyaveni of Rampachodavaram village and mandal was wrongly claimed Konda reddy caste (ST) and got appointment under ST quota as junior Assistant in the office of the sub-registrar, and further the appellant states that Irla Subbalakshmi of Rampachodavararn village and Mandal had illicit contact with the non tribal who came from plain area due to which she blessed with three daughters namely Satyaveni, Krishnavcni and Durga. But she got the bogus caste certificates to her illegitimate children by mentioning the name of Nadipudi Rami Reddy who is resident of Nadipudi Village, Kondamodulu Grampachayat Devipatnam Mandal East Godavari District who belongs to Konda Reddy Community. Due to this bogus caste certificates they are claiming the tribal benefits and cheating the Government. Even earlier nearly (16) villagers of the Nadipudi village along with Nadipudi Ramreddy have made a representation on 02-06-2008 to the ITDA Project officer for cancellation of these bogus caste certificates of Satyaveni, Krishnaveni and Durga, but no enquiry was taken place and the issue was kept pending in cold storage. Hence the ST Caste certificates issued in favour of Smt.Nadipudi Satyaveni, Nadipudi Krishnaveni and Nadipudi Durga shall be cancelled and take appropriate action against the concerned persons as per penalty clauses as per the Act .

III. The District Level Scrutiny Committee has observed that Sri Nadipudi Ramireddy, belongs to Konda Reddy Tribe from Kondamodalu Village of Devipatnam Mandal and he has been treating Smt. Subbalakshmi as his wife and her three Children as his own daughters and Smt. Nadipudi Subbalakshmi D/o Illa Jogireddy 2) Sankuru Sanyasamma hails from a tribal family belonging to Konda Reddy tribe. Ms. Nadipudi (Kare) Satyaveni, W/o Kare Satyanarayana is the offspring of a Tribal Mother, Subbalakshmi and a non-tribal father, Raju (belonging to SC as adduced by herself, whose whereabouts are not known and it is not known whether he is alive or not. Smt. Nadipudi Satyaveni was brought up by Sri Nadipudi Ramireddy, R/o Kondamodalu village, and his surname was recorded in all her school records. She and her sisters studied in the tribal welfare hostels only she was brought up in the tribal Customs and traditions. They all studied in the tribal welfare schools only. Smt. Chittala Krishnaveni 2nd daughter of Smt. Subbalakshmi is married to Sri Chittala Suryanarayana, who is a Konda Reddy tribe and this family is also residing in Rampachodavaram Village. Name of Sri Nadipudi ramireddy was shown as "Father" in the academic records of all the three daughters of Smt. Nadipudi Subbalakshmi i.e, Satyaveni Krishnaveni & Durga. Nadipudi Shivaji reddy S/o Ramireddy of Kondamodalu village has stated that his father has been living with Smt.Subbalakshmi after

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expiry of his mother and he has been treating her as his mother, and also treating all her three daughters as his own sisters. He further stated that he is maintain good relationship with his sisters after their marriage also and visit their house every now and then thus Smt. Nadipudi Satyaveni and her sisters have been treated as tribals' by the family members of Sri Nadipudi Ramireddy and also the people of Kondamodalu village. This was clearly reflected in the statement of Sri Illa Ramireddy, prominent tribal leader of Rampachodavaram agency who hails from Kondamodalu village. Mediators report recorded by the Tahsildar, Rampachodavaram confirms that the family members of Smt.Nadipudi Subbalakshmi practice tribal customaries and are accepted by the Co-tribal community of Konda reddy caste. Based on the findings of the DLSC, the District Collector has confirmed the ST-Konda Reddy community claim of Smt. Nadipudi Satyaveni D/o Ramireddy, East Godavari District.

IV. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

V. The appellate authority is observed that during the course of hearing of the case, the appellant submitted his arguments as per his grounds in appeal petition and stated that the lower authority failed to observe that natural father of Smt.Nadipudi Satyaveni is tribe and she was not brought up as tribe and she obtained ST certificate fraudulently and prays to cancel her ST certificate. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that even though the biological father of the said Smt.Nadipudi Satyaveni is not a tribe that she has been born a tribal mother and brought up in tribal customs and she also accepted by the tribal community treating her as a tribe as such the DLSC concluded that she is tribe. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference.

VI. Further, it is observed that in Circular Memo. No.10956/CV1/97-2, dt.16.2.1998 instructions were issued by the Government for issuance of Caste Certificates. As per the said instructions general instructions for claiming Community Certificates are as follows:

General Instructions :- (Applicable in all cases)
Where a person claims to belong to Scheduled Caste or Scheduled Tribe by birth it should be verified:-

i. that the person and the parents actually belong to the community claimed;
ii. that this community is included in the Constitution (Scheduled Castes and Scheduled Tribes) Order, 1950 as amended in 1976, which specified the Scheduled Castes or Scheduled Tribes in relation to the State of Andhra Pradesh;
iii. that the person belongs to the State of Andhra Pradesh and the area within the State in respect of which the community has been Scheduled;

V. Status of the Off-spring of a couple where one of the spouses is a member of Scheduled Caste and the other that of a Scheduled Tribe.

As regards the status of the off-spring whose father is a member of Scheduled Caste and mother of a Schedule Tribe, the prima-facie presumption is in favour of the child possessing the caste of the father, in the large majority of cases, having regard to the concept of domicile explained in para IV above. Apart from this, it may also be a relevant criterion to see whether the child has been accepted and assimilated in the Scheduled Caste community to which the father belongs. The same principal will also apply to the case of an off-spring whose mother is a member of a Scheduled Caste and father of a Scheduled Tribe. However, each case has to be examined in the light of the attendant facts and circumstances.

As per the said instructions stated supra, in the instant case, the mother of Smt. Nadipudi Satyaveni D/o Ramireddy, belongs to Scheduled Tribe community and she brought up in the fold of ST-Konda Reddy community. Hence, it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, East Godavari. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority failed to observe the finding of the concerned above.

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8. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri Kosu Ramanna Dora, S/o Kosu Lakshmanna Dora, does not deserve any interference. Hence, Proceedings of the District Collector, East Godavaari issued vide Ref.C5/M/569/2009, dated 01.12.2015, is hereby upheld and the appeal petition filed by Sri Kosu Ramanna Dora, S/o Kosu Lakshmanna Dora, is hereby dismissed by upholding the ST-Konda Reddy community claim of Smt. Nadipudi Satyaveni D/o Ramireddy, East Godavari District.

9. The District Collector, East Godavari is directed to take necessary consequential action in the matter.

10. The records (containing Ref.C5/M/569/2009) received from the District Collector, East Godavari through in the reference 8th read above, are returned herewith in original to the District Collector, East Godavari and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.P. SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, East Godavari.
(with original records) (BY RPAD)

Sri Kosu Ramanna Dora, S/o Kosu Lakshmana Dora,
R/o H.No.3-37, Kaikalavari Street,
Rampachodavaram Village & Mandal,
East Godavari District.

Mr. V.L.Surendra, Advocate,
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Shantinagar, Masab Tank, Hyderabad.

Smt. Nadipudi Satyavani, D/o Irla Subbalaxmi,
R/o H.No.3-80, Kaikalavari Street,
Rampachodavaram Village & Mandal,
East Godavari District.

Sri B. Rajesh Kumar, Advocate,
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Vijayawada -520 003,
Krishna District.

Copy to :
The Director, TCR& TI, AP, Amaravati.
The PS to Minister(TWE&HFW)
The PS to Principal Secretary.(TW)

// FORWARDED:: BY ORDER //

SECTION OFFICER